



Japan

Country Reports on Human Rights Practices - [2001](#)

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Japan is a parliamentary democracy based on the 1947 Constitution. Sovereignty is vested in the citizenry, and the Emperor is defined as the symbol of state. Executive power is exercised by a cabinet, composed of a prime minister and ministers of state, which is responsible to the Diet, a two-house parliament. The Diet, elected by universal suffrage and secret ballot, designates the Prime Minister, who must be a member of that body. The Liberal Democratic Party (LDP), the Conservative Party, and the Komeito party formed the Government in July 2000; it is headed by Prime Minister Junichiro Koizumi. The judiciary is generally independent.

The self defense forces are responsible for external security and have limited domestic security responsibilities. The well-organized and disciplined police force is effectively under the control of the civilian authorities. However, there continued to be credible reports that police committed some human rights abuses.

In spite of a lengthy economic downturn, the industrialized free market economy continues to provide the approximately 127 million residents with a high standard of living and high levels of employment.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There continued to be some credible reports that police and prison officials physically and psychologically abused prisoners and detainees. Officials sometimes were dismissed for such abuse but seldom are tried, convicted, and imprisoned. Violence against women and children, child prostitution, and trafficking in women were problems. Women, the Ainu (the country's indigenous people), the Burakumin (a group whose members historically are treated as outcasts), and alien residents experienced varying degrees of societal discrimination, some of it severe and longstanding. The Ministry of Justice received approximately 650,000 human rights-related complaints during the year ending in April; however, the Ministry's Civil Liberties Bureau has a small staff and limited investigative or enforcement powers. The administrative system for combating human rights violations was weak. Many cases end up in court.

In May the Justice Ministry's Council for Human Rights Promotion submitted final recommendations calling for stronger governmental measures to address human rights abuses, including the establishment of a human rights commission that would be tasked with providing relief measures to victims of social and racial discrimination, domestic violence, and human rights violations committed by public authorities and members of the media (the recommendations noted breaches of privacy, defamation, and "obstruction of a peaceful private life" as potential human rights violations by the mass media and Internet users) through arbitration and administrative guidance. The report recommended that the proposed body also be granted investigative powers. The Justice Ministry is expected to submit legislation to the Diet in 2002 with the aim of establishing a human rights commission in 2003.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution provides for freedom from torture and cruel, inhuman, or degrading treatment or punishment, and the Penal Code prohibits violence and cruelty toward suspects under criminal investigation; however, reports by several bar associations, human rights groups, and some prisoners indicate that police and prison officials sometimes used physical violence, including kicking and beating, as well as psychological intimidation, to obtain confessions from suspects in custody or to enforce discipline. Unlike in 2000, there were no allegations of beatings of detainees by employees of private security companies that operated immigration detention facilities at Narita International Airport. A revised National Police Law passed by the Diet in 2000 in response to a series of internal police allegations of misconduct, corruption, and bullying went into effect in February. The new law allows individuals to lodge complaints against the police with national and local public safety commissions. These commissions may direct the police to conduct investigations. However, public confidence remained low, and allegations persisted that the police and public safety commissions remained lax in investigating charges of police misconduct.

The Constitution and the Criminal Code include safeguards to ensure that no criminal suspect can be compelled to make a self-incriminating confession, nor convicted or punished in cases where the only evidence against the accused is his own confession. The appellate courts have overturned some convictions in recent years on the grounds that they were obtained as a result of coerced confessions. In addition civil and criminal suits alleging abuse during interrogation and detention have been brought against some police and prosecution officials.

About 90 percent of all criminal cases going to trial included confessions, reflecting the priority the judicial system placed on admissions of guilt. The Government points out that the high percentage of confessions, like the high conviction rate, is reflective of a higher standard of evidence needed to bring about indictment in the judicial system. Confession is regarded as the first step in the rehabilitative process.

Physical restraints, such as leather handcuffs, continued to be used as a form of punishment, and some prisoners have been forced to eat and relieve themselves unassisted while wearing these restraints. Ministry of Justice officials stated that restraints were used inside prisons only when prisoners have been violent and posed a threat to themselves and others, or when there was concern that a prisoner might attempt to escape. In June the Tokyo District Court ordered the Government to pay \$10,000 (1 million yen) in damages to a prisoner for being confined in handcuffs for prolonged periods of isolation at a Tokyo immigration detention facility in 1994. The Court ruled that manacled the man's hand behind him and detaining him in isolation for long periods was unlawful.

Prison conditions meet international standards; however, the National Police Agency and Ministry of Justice reported that some prisons and detention facilities were overcrowded during the year (see Section 1.d.). Prisons in most areas of the country were not heated, and prisoners were given only minimal additional clothing to protect themselves against cold weather. There have been cases of frostbite among the prison population in recent years. The Ministry of Justice requested funding in August as part of a 3-year plan to install heaters in prison buildings nationwide. Individual cells will remain unheated. Prisoners may not purchase or be given supplementary food. They were discouraged strongly from complaining about conditions. Prisoners faced severe restrictions on the quantity of their incoming and outgoing correspondence. The authorities read letters to and from prisoners, and the letters may be censored, or, with a court order, confiscated. All visits with convicted prisoners were monitored; however, those whose cases are pending were allowed private access to their legal representatives. Prison officials claimed that the "no complaining" policy was designed to keep family members from worrying about their relatives. For the same reason, the Justice Ministry usually does not inform a condemned inmate's family prior to the person's execution. Human rights organizations reported that lawyers also were not told of an execution until after the fact, and that death row prisoners were held for years in solitary confinement with little contact with anyone but prison guards. Parole may not be granted for any reason, including medical and humanitarian, until an inmate has served two-thirds of his or her sentence.

In the past, the Japanese Federation of Bar Associations and human rights groups have criticized the prison system, with its emphasis on strict discipline and obedience to numerous rules. Prison rules remain confidential. Wardens continued to have broad leeway in enforcing punishments selectively, including "minor solitary confinement," which may be imposed for a minimum of 1 and not more than 60 days in which the prisoner is made to sit (for foreigners) or kneel (for Japanese) motionless in the middle of an empty cell.

Women and juveniles are housed in separate facilities from men; at times during the year, some women's

detention facilities also were operating over stated capacity. Pre-trial detainees also are held separately from convicted prisoners (see Section 1.d.).

Conditions in immigration detention facilities meet most international standards.

The Government restricts access to prisons by human rights groups.

d. Arbitrary Arrest, Detention, or Exile

Constitutional provisions for freedom from arbitrary arrest or imprisonment generally are respected in practice. The law provides for judicial determination of the legality of detention. Persons may not be detained without charge, and prosecuting authorities must be prepared to demonstrate before trial that probable cause exists in order to detain the accused. Under the law, a suspect may be held in detention at either a regular detention facility or "substitute" (police) detention facility for up to 72 hours. A judge interviewed suspects prior to detention. A judge may extend preindictment custody by up to two consecutive 10-day periods based on a prosecutor's application. These extensions were sought and granted routinely. Under extraordinary circumstances, prosecutors may seek an additional 5-day extension, bringing the maximum period of preindictment custody to 25 days.

In 1999 the Supreme Court upheld as constitutional the section of the Criminal Procedure Code under which police and prosecutors have the power to control and may limit access by legal counsel when deemed necessary for the sake of an investigation. Counsel may not be present during interrogations at any time before or after indictment. As a court-appointed attorney is not approved until after indictment, suspects must rely on their own resources to hire an attorney before indictment, although local bar associations provide detainees with limited free counseling. Critics charge that access to counsel is limited both in duration and frequency; the Government denies that this is the case. In 2000 presentencing bail was available in roughly 13 percent of cases.

Bar associations and human rights groups have criticized the use of a "substitute prison system" for prisoners awaiting court hearings. Although the law stipulates that suspects should be held in "houses of detention" between arrest and sentencing, a police detention facility may be substituted at the order of the court. This provision originally was added to cover a shortage of normal detention facilities. According to year-end Ministry of Justice data, normal prison facilities were filled to 104 percent of capacity in 2000, a 9.1 percent increase over 1999. Approximately 30 percent of normal detention facilities suffered from overcrowding in 2000. Critics charged that allowing suspects to be detained by the same authorities who interrogated them heightens the potential for abuse and coercion. The Government countered that cases sent to police detention facilities tend to be those where the facts were not in dispute. A Justice Ministry regulation permits detention house officials to limit the amount of documentation related to ongoing court cases retained by prisoners.

The length of time before a suspect is brought to trial depends on the nature of the crime but rarely exceeds 3 months from the date of arrest; the average is 1 to 2 months. In one case, an accused allegedly was held for 3 years. In March in its final report, an advisory panel to the Prime Minister on judicial reform called for a substantial increase in judges, prosecutors, and Justice Ministry personnel to shorten the time between arrest and trial.

The law does not permit forced exile, and it is not used.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the judiciary generally is independent and free from executive branch interference. The Cabinet appoints judges for 10-year terms, which can be renewed until judges reach the age of 65. Justices of the Supreme Court can serve until the age of 70 but face periodic review through popular referendums.

There are several levels of courts, including high courts, district courts, family courts, and summary courts, with the Supreme Court serving as the final court of appeal. Normally a trial begins at the district court level, and a verdict may be appealed to a higher court, and ultimately, to the Supreme Court.

The Government generally respects in practice the constitutional provisions for the right to a speedy and public trial by an impartial tribunal in all criminal cases. Although most criminal trials are completed within a reasonable length of time, cases may take several years to work their way through the trial and appeals process. Responding to the final report of a Government advisory panel established in 1999 to outline structural reforms to the judicial system, in June the Government announced plans to begin drafting legislation

aimed at reducing the average time required to complete criminal trials and civil trials that include witness examination (which lasted an average of 20.5 months in 1999). Its proposals included hiring substantial numbers of additional court and Justice Ministry personnel, revising bar examinations, establishing new graduate law schools to increase the overall number of legal professionals (judges, lawyers, and prosecutors) three-fold by 2010, and requiring that courts and opposing litigants jointly work to improve trial planning by allowing for earlier evidence collection and disclosure. In the complex case of the Aum Shinrikyo 1995 sarin gas attack on the Tokyo subway system, the trials of seven senior members of the group were still underway in district courts at year's end.

There is no trial by jury. The defendant is informed of the charges upon arrest and is assured a public trial by an independent civilian court with defense counsel and the right of cross-examination. However, in June the Government's Judicial Reform Council recommended in its final report that randomly chosen members of the public be allowed to participate in determining rulings and penalties in criminal trials by deliberating the cases alongside professional judges. The Government submitted implementing legislation to the Diet in November with the aim of adopting all of the advisory panel's reform proposals by 2004; it was enacted in December.

A defendant is presumed innocent. The Constitution provides defendants with the right not to be compelled to testify against themselves as well as to free and private access to counsel; however, the Government contended that the right to consult with attorneys is not absolute and can be restricted if such restriction is compatible with the spirit of the Constitution. Access sometimes was abridged in practice; for example, the law allows prosecutors to control access to counsel before indictment, and there are allegations of coerced confessions (see Sections 1.c. and 1.d.). Defendants are protected from the retroactive application of laws and have the right of access to incriminating evidence after a formal indictment has been made. However, the law does not require full disclosure by prosecutors, and material that the prosecution does not use in court may be suppressed. Critics claimed that legal representatives of defendants do not always have access to all needed relevant material in the police record to prepare their defense. A defendant who was dissatisfied with the decision of a trial court of first instance may, within the period prescribed by law, appeal to a higher court.

No guidelines mandate the acceptable quality of communications between judges, lawyers, and non-Japanese speaking defendants, although the Supreme Court publishes handbooks explaining the legal procedures and terms for court interpreters. In 2000 the Supreme Court introduced a training system to help court interpreters understand complicated trial procedures. However, no standard licensing or qualification system for certifying court interpreters exists, and a trial may proceed even if the accused does not understand what is happening or being said. The Supreme Court's 1998 statistics show a chronic shortage of qualified court interpreters, particularly for non-English speaking defendants. Foreign detainees frequently claim that police urged them to sign statements in Japanese that they cannot read and that are not translated adequately.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution protects the right to privacy of family, home, and correspondence, and the Government generally respects these rights in practice. Under the Constitution, each search or seizure must be based on a separate warrant issued by a judge. Standards for issuing such warrants exist to guard against arbitrary searches. In 2000 legislation went into effect which allowed law enforcement authorities to use wiretaps in certain criminal investigations, including suspected drug offenses, murder, and trafficking in persons. The law also stiffened penalties for the unauthorized use of wiretaps by police authorities. Under this law, wiretaps can only be used if law enforcement officials can demonstrate that all other investigative techniques have been ineffective.

In May the Kumamoto District Court ordered the Government to pay \$15 million (1.89 billion yen) to 127 plaintiffs suffering from Hansen's Disease who were confined to remote sanatoriums under the 1953 Leprosy Prevention Law, after a cure for the disease had been developed. Forced abortion and sterilization procedures were performed on some of the patients during their confinement. The Government decided against appealing the court decision in May, and in June the Diet adopted a compensation bill that agreed to provide between \$63,276-110,733 (8-14 million yen) each to over 4,000 former patients. There were no new developments in the longstanding effort by groups representing women and persons with disabilities to obtain a government investigation, a formal apology, and compensation in the case of the several thousand women with disabilities who were sterilized without their consent between 1949-92. A law that the Government revoked in 1996 permitted doctors, after they had received the approval of committees appointed by local governments, to sterilize persons with mental or physical disabilities or certain hereditary diseases without consent.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press.

Academic freedom is respected. The Science, Technology and Education Ministry's authority to order revisions to elementary, middle, and high school textbooks based on national curriculum guidelines remains a source of domestic and international controversy. In 1997 the Supreme Court ruled that state screening of textbooks did not violate the constitutional provisions for freedom of expression. In August police investigated a suspected firebomb attack on the offices of the Japanese Society for History Textbook Reform whose controversial treatment of World War II events in a junior high school textbook sparked domestic and international protests.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the freedoms of assembly and association, and the Government generally respects these rights in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice. Following the 1995 Aum Shinrikyo terrorist attacks, a 1996 amendment to the Religious Corporation Law gave government authorities increased oversight of religious groups and required greater disclosure of financial assets by religious corporations. The Government does not require that religious groups be licensed. However, to receive official recognition as a religious organization, which brings tax benefits and other advantages, a group must register with local or national authorities as a "religious corporation." In practice almost all religious groups register.

The only group under active government surveillance is the Aum Shinrikyo, which the Government considers to be a continuing public danger; it was renamed Aleph formally in 2000. Aum Shinrikyo lost its legal status as a religious organization in 1996 following its sponsorship of terrorist attacks. In response to reports of increased Aum Shinrikyo/Aleph fundraising and recruitment activities, local police and communities have taken measures against its members and chapters, including denying residency permits and public school access to Aum Shinrikyo/Aleph leader Asahara's children. In December 1999, the Diet passed legislation that allowed the authorities to seize the group's assets more easily, tighten surveillance against it, and force it to pay compensation to victims of its past crimes. The laws are subject to review, including possible repeal, in 2005. The Public Security Investigation Agency placed Aum Shinrikyo/Aleph under continuous surveillance for a 3-year period on January 31, 2000, on the basis of one of the new laws.

Members of the Unification Church and Jehovah's Witnesses have alleged that police do not act in response to allegations of forced deprogramming of church members. They also claimed that police do not enforce the laws against kidnaping when the victim is held by family members, asserting that Unification Church members were subjected to prolonged arbitrary detention by individuals, who were not charged by police.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respects them in practice.

Citizens have the right to travel freely both within the country and abroad, to change their place of residence, to emigrate, and to repatriate voluntarily. Citizenship may be forfeited by naturalization in a foreign country or by failure of persons born with dual nationality to elect citizenship at the required age.

Asylum and refugee policy is in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government requires applicants to appear at an immigration office within 60 days of arrival or within 60 days of learning that they are likely to be persecuted in their home country. Individuals who do not present their applications within the 60-day time frame due to extenuating circumstances may apply for an exception. However, the UNHCR estimated that approximately 50 percent of applicants were rejected for failing to meet the 60-day application deadline. An alien recognized as a refugee has access to educational facilities, public relief and aid, and social welfare benefits. An alien denied refugee status may appeal the decision to the Ministry of Justice. Rejected applicants also may take their cases to court if Ministry authorities do not recognize their objections. In an effort to make procedures clearer to applicants, the Government distributes a pamphlet in English, Chinese, and eight other

languages to those interested in the asylum process.

While the Government sometimes grants first asylum, the Justice Ministry determines such grants on a case-by-case basis. The average processing time for initial case determination is approximately 1 year.

In recent years, the Government has granted refugee and asylum status to those claiming fear of persecution in only a small number of cases. It believes that most persons seeking asylum in the country do so for economic reasons. During the year, however, UNHCR noted an increase in inquiries on country situations by courts adjudicating appeals of refugee decisions. During the year, approximately 400 persons in the country were either seeking asylum or accorded refugee status. As of July, the Government had recognized 25-26 refugee cases; 197 new asylum cases were pending. According to UNHCR most new applicants were from Pakistan, Turkey, Afghanistan, and Iran. In 1998 the Justice Ministry began reversing an earlier decision to deny asylum to a group of Burmese prodemocracy students. In 1999 40 to 50 persons previously denied asylum were granted special residency status renewable on a yearly basis. This practice continued during the year; approximately 35 persons who had been denied asylum on first application were granted special resident status. In addition approximately 10,400 Vietnamese nationals were permitted to reside in the country under special residence permits; a program of family reunification for close relatives of these persons remained in operation.

In recent years, the Government has shown flexibility in dealing with visa extensions for Chinese student dissidents, although it continues to be reluctant to grant permanent asylum. Burmese asylum applicants have complained that asylum cases can continue for years without a formal decision.

Revisions to the Immigration Control and Refugee Recognition Act aimed at reducing visa overstays and the smuggling of persons became effective in 2000. These revisions have the potential to affect asylum-seekers. The new law imposes stiff penalties on persons illegally entering the country, and those deported are denied reentry for at least 5 years instead of the previous penalty of 1 year. However, the Immigration Bureau has given assurances to UNHCR that these new provisions will not be used against genuine asylum seekers.

There were no reports that persons were forced to return to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. In 1998 the Diet granted citizens living overseas the right to vote for candidates in national elections in races based on proportional representation. In 1999 the Diet extended these absentee voting privileges to fishermen and mariners.

The country is a parliamentary democracy governed by the political party or parties able to form a majority in the lower house of its bicameral Diet. The Liberal Democratic Party, the Conservative Party, and the Komeito party formed the existing coalition Government in July 2000.

There are no legal impediments to women's participation in government and politics, but the percentage of women in government and politics does not correspond to their percentage of the population. In recent years, there has been a slow increase in the numbers of women holding public office. As of August, women held 36 seats in the 480-member lower house of the Diet (7.5 percent), and 38 of the 247 seats in the upper house (15.4 percent). There are 5 women in the 18-member Cabinet. Women account for 19.8 percent of elected members of prefectural assemblies and 6.4 percent of elected members of local assemblies. Three of the country's 47 governors are women; the female Governors of Osaka and Kumamoto both were elected in 2000, and a third female governor was elected in Chiba during the year. According to the Home Affairs Ministry, there were 3,982 female prefectural and municipal assembly members at the start of the year, an increase of 110 persons over 1999.

No figures are available at the national level regarding minority political participation.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of local and international human rights organizations function freely, without governmental restrictions, investigating and publishing their findings on human rights cases. Government officials generally are cooperative and responsive to their views, although the Government restricts access to prisons and immigration detention facilities by human rights groups (see Section 1.c.).

The Justice Ministry's Council for Human Rights Promotion an advisory panel continued to work on a 5-year mandate to develop measures to educate citizens about the importance of respecting human rights. In July 1999, the Council submitted a report that called for greater attention to human rights education, particularly at the municipal level, and cited a number of ongoing human rights problems, including sexual harassment, domestic violence, and discrimination against the elderly, persons with disabilities, minorities, and foreigners. In May the Council submitted a final set of recommendations that included the establishment of a human rights commission tasked with providing relief through arbitration and administrative guidance to victims of social and racial discrimination, domestic violence, and human rights violations committed by public authorities and members of the media (the recommendations cite breaches of privacy, defamation, and "obstruction of a peaceful private life" as potential human rights violations by the mass media and Internet users). The report recommends that the proposed body be granted investigative powers, but it also recommends that its secretariat be established through a reorganization of the Justice Ministry's existing Civil Liberties Bureau. Public debate over the independence of the proposed body continued through September.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of race, creed, gender, social status, or family origin, and the Government respects these provisions.

Women

Violence against women, particularly domestic violence, often goes unreported due to social and cultural concerns about shaming one's family or endangering the reputation of one's spouse or offspring. Also, women who are victims of domestic violence typically return to the home of their parents rather than file reports with the authorities. Therefore, National Police Agency statistics on violence against women probably understated the magnitude of the problem. According to the Health Ministry, 9,176 consultations on domestic violence were handled at 47 women's counseling centers in the year ending March 31. The National Police Agency reported 1,096 injuries or killings due to domestic violence in 2000, a 50 percent increase over 1999. In April the Diet passed a new law to combat domestic violence which allows district courts to impose 6-month restraining orders on perpetrators and sentence violators to up to 1 year in prison or fines of up to \$7,910 (1 million yen). In addition the law, which came into effect in October, also covers common-law marriages and divorced individuals; it also encourages prefectures to expand shelter facilities for domestic abuse victims and stipulates that local governments offer financial assistance to 40 private institutions already operating such shelters. In December police in Kanagawa Prefecture arrested a man for violating a restraining order, which had been issued under the new law in November. According to National Police Agency statistics, 2,228 rapes and 9,326 indecent assaults were reported during the year. Husbands have been prosecuted for spousal rape; usually these cases involved a third party who assisted in the rape. The National Police Agency confirmed three cases of spousal rape during the year.

Many local governments were responding positively to a need for confidential assistance by establishing special women's consultation departments in police and prefectural offices. An antistalking law went into effect in November 2000 in response to rising complaints about women's lack of recourse in dealing with stalkers. Through June police received 9,142 stalking complaints; they arrested 66 persons and issued 453 warnings between November 2000 and May.

Local governments and private rail operators continued to implement measures designed to address the widespread problem of groping and molestation of female commuters. According to the National Police Agency, in 2000 police arrested 1,854 persons in Tokyo and 982 persons elsewhere in the country for groping. The Tokyo Metropolitan Police organized a council with representatives of train companies to discuss antigrope measures in June. As a result, several railway companies started a poster campaign to raise awareness of antigrope ordinances and to advertise railway police contact information, including contact information for the molestation complaint offices established by the Metropolitan Police Department in 1995. At the suggestion of the Metropolitan Police, the Tokyo Metropolitan Assembly also revised its antigrope ordinance in September to make first-time offenders subject to imprisonment. In March Keio Electric Railway Company decided to make a trial women-only rail car program permanent, reserving one car only for women on all express and limited express trains running after 11 p.m. Monday to Friday.

Trafficking in women was a problem (see Sections 6.c. and 6.f.).

The Constitution and the Equal Employment Opportunity (EEO) Law prohibit sexual discrimination; however, sexual harassment in the workplace remains widespread. A National Personnel Authority survey of female public servants conducted in 2000 found that 69.2 percent of all female respondents believe they have been subjected to acts that constitute sexual harassment. The National Personnel Authority established workplace rules in April 1999 in an effort to stop harassment in public servants' workplaces. New survey data indicates

that the most severe forms of sexual harassment may be declining in government workplaces; female public servants who stated that their bosses had pressured them into a sexual relationship dropped from 17 percent in 1997 to 2.2 percent in 2000. In 1999 a revision to the Equal Employment Opportunity (EEO) Law intended to address problems of sexual harassment and discrimination against women went into effect. The revised EEO Law includes measures to identify companies that fail to prevent sexual harassment, although it does not include punitive measures to enforce compliance; the law's only penalty is that names of companies that practice sexual discrimination can be publicized. The Ministry of Labor does not enforce compliance through fines or other punitive penalties. However, since the 1999 revision, there has been a 35 percent increase in consultations over workplace sexual harassment cases. Under the Labor Standards Law, an arbitration committee is allowed to initiate procedures to help ensure the rights of female workers at the worker's request, without first having to obtain approval from both management and the worker's union. A number of government entities have established hot lines and designated ombudsmen to handle complaints of discrimination and sexual harassment.

The Labor Standards Law forbids wage discrimination against women. Under the revised EEO Law, women may work overtime shifts.

Women make up 40 percent of the labor force, and women between the ages of 15 and 64 have a labor force participation rate of 51 percent. In response to a 2000 Government survey that revealed that potential employers had discriminated against one in five women entering the work force on the basis of gender, in April the Labor Ministry distributed 100,000 manuals outlining 25 hiring or recruiting practices that violated the EEO law. Although the Labor Standards and the EEO laws prohibit wage discrimination against women, in 2000 female workers on average earned only 65.5 percent of average male earnings. In general younger women (age 20-24) tended to make almost as much as men do; older women (50 and older) tended to make much less. Much of this disparity results from the "two-track" personnel administration system found in most larger companies under which new hires are put into one of two categories: Managerial track (those engaged in planning and decisionmaking jobs and with the potential to become top executives); or general track (those engaged in general office work). According to a 1998 survey by the Management and Coordination Agency, women held 9.2 percent of managerial positions. A 1998 Labor Ministry survey found that over half of the companies with a two-track personnel system did not even consider women for managerial track positions. In March the Osaka District Court dismissed a wage bias suit filed by female employees of Sumitomo Chemical Company who had been placed in a nonmanagerial career track in 1970 when the company introduced a dual-track system. However, in August the Tokyo District High Court ruled against conventional wage compensation assessment methods that used existing gender income disparities to determine future earnings potential in the case of minors. According to the Prime Minister's Bureau of Gender Equality, women held 4.1 percent of top local government positions through March, although they make up as much as a third of all local government workers. According to the Home Ministry, some of the 4,200 local governments that urged employees to retire before the mandatory age of 60 regularly urged female employees to retire at younger ages than male employees. In January a Kanazawa District Court found the town government of Toriya in violation of the Local Civil Service Law and ordered it to pay redress to a female civil servant who refused to retire when asked to do so in 1996. The town's retirement system urged female employees to retire at 48 and males at 58.

In addition to discrimination, the traditional male and female division of labor at home places disproportionate burdens on working women, who were still responsible for almost all child care and household duties.

Advocacy groups for women and persons with disabilities continued to press for a government investigation into sterilization cases that were carried out between 1949-92, a formal government apology, and compensation (see Section 1.f.).

In 1993 the Government publicly acknowledged and apologized for the former Imperial Government's involvement in the army's practice of forcing as many as 200,000 women (including Koreans, Filipinos, Chinese, Indonesians, Dutch, and Japanese) to provide sex to soldiers between 1932-45. A 1999 U.N. Subcommission on Prevention of Discrimination and Protection of Minorities report included a recommendation that the Government provide state compensation to former "comfort women" and prosecute those responsible for setting up and operating "comfort stations" during World War II. The Government has been unwilling to pay direct compensation to individual victims, on the grounds that postwar treaties settled all war claims. In March the Hiroshima High Court reversed a 1998 Yamaguchi District Court ruling that had ordered the Government to pay \$2,542 (300,000 yen) in state compensation to three Korean former comfort women for neglecting its constitutional duty to enact compensation legislation following the Government's 1993 admission. The District Court ruling had been the first court judgment rendered in favor of foreign war victims. Over 50 damage suits have been filed in Japanese courts; approximately 10 cases were pending at year's end. In October a U.S. federal judge dismissed a lawsuit brought by 15 comfort women, ruling that U.S. courts do not have jurisdiction over claims arising from Japan's wartime conduct.

The "Asian Women's Fund" (AWF) is a private, government-sponsored fund established to "extend atonement

and support" to former comfort women. The AWF supports three types of projects: Payments to individual victims; medical and welfare assistance to individual comfort women; and funding projects to improve the general status of women and girls. Projects in the first category were funded by private donations, while the second and third types of projects were financed by the Government and administered by the AWF. As of November 21, the AWF had collected donations totaling approximately \$4.33 million (548 million yen) and given lump sum payments of almost \$2.97 million (376 million yen) and a letter of apology signed by the Prime Minister to more than 188 women from the Philippines, Korea, and Taiwan. These women also received medical and welfare assistance from the AWF. The AWF has reached an agreement with a Dutch affiliate to make compensation payments to former Dutch comfort women; government officials estimate that up to 100 Dutch women were forced to provide sexual services during World War II. However, the Government's refusal to pay direct compensation continues to draw international criticism.

Children

The Government is committed to children's rights and welfare, and in general the rights of children were protected adequately. Boys and girls have equal access to health care and other public services. Education was free and compulsory through the lower secondary level (age 14, or ninth grade). Education is available widely to students who meet minimum academic standards at the upper secondary level through the age of 18. Society places an extremely high value on education, and enrollment levels for both boys and girls through the free upper secondary level (to age 18) exceed 96 percent.

Public attention is focused increasingly on reports of frequent child abuse in the home. In 2000 the Diet enacted a law granting child welfare officials the authority to prohibit abusive parents from meeting or communicating with their children. This law raised public awareness of the problem of child abuse. The law also bans abuse under the guise of discipline and obliges teachers, doctors, and welfare officials to report any suspicious circumstances to the 174 local child counseling centers located nationwide or to municipal welfare centers. According to the National Police Agency, through June 31 children died of abuse or neglect. Through March police investigated 51 cases of child abuse, in which 20 adults were arrested, an increase of 30.8 percent over the previous year for the same period. From April 2000 through March, family courts mandated the transfer of 6,168 children into protective state custody. Child protection centers also received 18,800 reports of abuse in the year ending in April, an increase of 17 percent since 1990. A 1999 report by the Ministry of Health and Welfare warned that, since caseloads at counseling centers nearly doubled from 1988-96, cuts in funding by local governments to centers handling child abuse cases were exacerbating the problem. In August the Ministry conducted a nationwide survey of how municipal governments responded to abuse cases with the aim of increasing subsidies to local governments to develop child abuse prevention networks. In November the Government announced its intention to rehire counselors dismissed from child protection centers in recent years. Also in November, the Tokyo chapter of the Japan Legal Aid Fund established a \$237,285 (30 million yen) fund to provide free legal services to children in family court protective custody hearings.

Incidents of student-on-student violence in schools and severe bullying ("ijime") also continued to be a societal and government concern. At elementary and junior high schools, bullying most often involved verbal abuse, with physical abuse occurring more often at the high school level. An Education Ministry survey released in August reported 20,751 cases of student-on-student violence in public schools during the 2000-01 academic year, a 10 percent increase from the previous year. In past years, surveys have suggested that as many as one in three elementary and junior high school students had been bullied, but more than one-third of the victims did not report the bullying. In addition to compiling statistics on bullying and consulting with various groups concerned with children's welfare, the Ministry of Justice's Office of the Ombudsman for Children's Rights provided counseling services for children 18 years of age and younger who have been victims of bullying. In December the Fukuoka District Court ruled that the Jojima Municipal and Fukuoka Prefectural governments had not taken sufficient action in the case of a boy who committed suicide in 1996 after being harassed and beaten by classmates and ordered the governments to pay \$79,095 (10 million yen) in compensation to the boy's parents.

Teachers also increasingly are becoming the targets of student violence. Education Ministry statistics for 2000 showed a 16.2 percent increase in assaults on teachers by students over the previous year.

In previous years, both the Government and society in general appeared to take a lenient attitude toward teenage prostitution and dating for money (which may or may not have involved sexual activity). However, in 1999 the Diet passed a law banning sex with persons under age 18 as well as the production, sale, or distribution of child pornography. The law was passed following heightened public attention to a growing problem of teenage prostitution and international criticism over the country's lax laws on child pornography. The law has reduced the open availability of child pornography. Whereas in 1998 INTERPOL estimated that 80 percent of Internet sites with child pornography originated in Japan, by late 1999, after passage of the law, the police reported most of these sites either had disappeared entirely or were accessible only at random hours to

avoid detection and arrest. Since April 1999, operators of pornographic home pages and suppliers of pornographic images have been required to register with local safety commissions and not to offer such pages to persons under the age of 18. According to the National Police Agency, the police arrested 108 persons between January and June for patronizing teenage prostitutes and child pornography, double the number for the same period in 2000. However, teenage prostitution and dating for money continues to be a concern. In one high profile case, in August the Tokyo District Court sentenced a Tokyo High Court judge to a 2-year suspended sentence for patronizing a teenage prostitute. In impeachment proceedings concluded in November, he lost his certificate as an officer of the court and was barred from requesting reinstatement for 5 years. In December the Government hosted an international conference on combating sexual exploitation of children.

In February revisions to the Juvenile Law went into effect that lowered the age at which children can be held criminally responsible for their actions from 16 to 14. Under juvenile law, juvenile suspects are tried in family court and have the right of appeal to an appellate court. Family court proceedings were not open to the public, a policy that has been criticized by family members of juvenile crime victims. The number of juveniles arrested and sent to prosecutors was down 6.6 percent in 2000, according to the National Police Agency.

In 2000 the Tokyo prefectural government put into effect programs to protect the welfare of stateless children, whose births their illegal immigrant mothers refused to register for fear of forcible repatriation. According to Justice Ministry statistics, 720 stateless minors under the age of 5 were in the country in 2000.

Persons with Disabilities

There are an estimated 2.9 million persons with physical disabilities and roughly 2 million persons with mental disabilities. Although not generally subject to overt discrimination in employment, education, or in the provision of other state services, persons with disabilities face limited access to public transportation, "mainstream" public education, and other facilities. The Deliberation Panel on the Employment of the Handicapped, which operates within the Ministry of Labor, mandated that private companies with 300 or more employees hire a fixed minimum proportion of persons with disabilities. The penalty for noncompliance was a fine. A 1998 cabinet directive ordered private companies to raise the proportion of persons with physical disabilities in their work force from 1.6 to 1.8 percent and raised the percentage of persons with disabilities among civil servants from 2 to 2.1 percent. Some prefectural governments provided subsidies to companies that employed persons who used wheelchairs. In June the Diet passed legislation amending 27 laws that previously had banned the blind, deaf and those with mental disabilities from working as doctors, dentists, nurses, and pharmacists. The Health, Labor, and Welfare Ministry started awarding licenses for these professions on a case-by-case basis in July.

The law does not mandate accessibility to buildings for persons with disabilities; however, the law on construction standards for public facilities allows operators of hospitals, theaters, hotels, and similar enterprises to receive low-interest loans and tax breaks if they build wider entrances and elevators to accommodate persons with disabilities. In 2000 the barrier-free transportation law took effect, requiring public transport systems to take measures to make their facilities more accessible to persons with disabilities as well as to the elderly.

The Law to Promote the Employment of the Handicapped includes those with mental disabilities. The law also loosened the licensing requirements for community support centers that promote employment for persons with disabilities, and it introduced government subsidies for the employment of persons with mental disabilities in part-time jobs.

The Headquarters for Promoting the Welfare of Disabled Persons, set up by the Prime Minister's Office, in previous years recommended that municipalities draw up formal plans for the care of citizens with disabilities. The Ministry of Health and Welfare also has instructed local governments to set numerical targets for the number of home help providers and care facilities allocated to the disabled. In 2000 74.9 percent of municipalities had formal care plans for citizens with disabilities. During the year, the Government abolished Medical Service Law provisions that had exempted mental hospitals from minimum staffing guidelines; however, reports of understaffing persisted.

Advocacy groups for women and persons with disabilities continued to press for a government investigation into sterilization cases that were carried out between 1949-92, a formal government apology, and compensation (see Section 1.f.).

Indigenous People

The Ainu are a people descended from the first inhabitants of the country. Under an 1899 law, the Government pursued a policy of forced assimilation, imposing mandatory Japanese-language education and denying the Ainu their right to continue traditional practices. The law also left the Ainu with control of only approximately 0.15 percent of their original land holdings and empowered the Government to manage communal assets.

In 1997 the Sapporo District Court ruled that the Ainu were a minority aboriginal race, and later that year, the Diet passed the Law to Promote Ainu Culture. The law recognized the Ainu as an ethnic minority, and required all prefectural governments to develop basic programs for promoting Ainu culture and traditions. It also canceled previous laws that discriminated against the Ainu, including the 1899 law, and required the Government of Hokkaido to return Ainu communal assets. However, the law stopped short of recognizing the Ainu as the indigenous people of Hokkaido and also failed to address whether they deserved special rights as a distinct ethnic group. The new law did not mandate civil rights protection for the Ainu. A nonbinding accompanying resolution referred to the Ainu as a legal Japanese minority. A 1998 report submitted by the U.N. Special Rapporteur to the U.N. Working Group on Indigenous Populations stated that the Ainu never had entered into a consensual juridical relationship with any state and stated that the lack of such an agreement deprived them of their rights. Many Ainu criticize the Law to Promote Ainu Culture for not advancing Ainu political rights and criticize the Government for not providing funds for noncultural activities that would improve Ainu living conditions or financial status. The Japan Ainu Association, a nationwide organization of Ainu, lobbies the Government for economic assistance and greater social welfare benefits for Ainu throughout the country. According to a 1999 survey, 3.72 percent of Ainu receive welfare benefits, roughly double the national average of 1.84 percent.

The Ainu continue to face societal discrimination while engaging in an uphill struggle against complete assimilation, although Ainu-language newspapers, radio programs, and academic programs studying Ainu culture have increased since 1997. In March the U.N. Committee on the Elimination of Racial Discrimination (CERD) noted that the country "has not taken sufficient steps to address the issue of discriminatory treatment of Koreans and Ainu living in" the country. In February several nongovernmental groups, including the Ainu Association of Hokkaido and the Citizens' Diplomatic Center for the Rights of Indigenous People, protested the Government's failure to note continuing social and economic discrimination faced by the Ainu in its 2000 report to the CERD.

National/Racial/Ethnic Minorities

Burakumin, Koreans, and alien workers experience varying degrees of societal discrimination, some of it severe and longstanding.

The Burakumin (descendants of feudal era "outcasts" who practiced "unclean" professions such as butchering and undertaking), although not subject to governmental discrimination, frequently are victims of entrenched societal discrimination, including restricted access to housing and employment opportunities. They are estimated to number approximately 3 million, but most prefer to hide their identities. In a 1993 government survey, 33 percent of Burakumin said that they suffered discrimination at some point during their lifetime, with 24 percent experiencing difficulties in marriage, 24 percent in daily life, and 21 percent at their place of work. Beginning in 1969, the Government introduced with some success a number of social, economic, and legal programs designed to improve conditions for the Burakumin and hasten their assimilation into mainstream society. However, in recent years, some within the Burakumin community have questioned whether assimilation is an appropriate goal. When the basic legislation to provide funding for Burakumin programs expired in 1997, the Government enacted legislation effective for 5 years that retains 15 of the original 45 programs for Buraku communities. An August working paper commissioned by a U.N. Human Rights Commission's Subcommission on the Promotion and Protection of Human Rights acknowledged that the living standards of the Buraku had improved but noted that discrimination in marriage and employment continues.

In recent years, the Buraku Liberation League has placed less emphasis on class struggle and more emphasis on civil rights, social welfare, and the environment. The League also replaced the term Burakumin (hamlet people) with Buraku Jumin (hamlet residents), to try to debunk the false concept that the Burakumin are a different race from other Japanese.

According to the Ministry of Justice, there were nearly 1.68 million legal foreign residents as of December 31, 2000, accounting for 1.33 percent of the population. Of these, approximately 635,000 were ethnic Koreans, followed by 335,500 Chinese, 254,270 Brazilians, and 144,870 Filipinos. The number of Korean residents--a record low 37.7 percent of the foreign population in 2000--has been decreasing steadily since 1991 as Korean nationals naturalized or married Japanese, which allows their children to gain Japanese citizenship automatically. Despite improvements in legal safeguards against discrimination, Korean permanent residents (most of whom were born, raised, and educated in Japan) still were subject to various forms of deeply entrenched societal discrimination. Two associations representing Korean residents in Japan lodged protests against the Public Security Investigative Agency (PSIA) and the Kyoto municipal government when media

reports revealed that the PSIA had investigated over 200 persons of Korean ancestry under the Subversive Activities Prevention Law. In June the Tokyo District Court rejected a suit filed by a Korean resident seeking compensation from a Chiba golf club operator for denying him membership because he is a foreigner.

Other foreigners also were subject to discrimination. There is a widespread perception that foreigners commit many crimes. In February non-Japanese residents of Nagano prefecture petitioned the governor to remove posters issued by the Nagano Prefectural Police and the Japan Crime and Fire Prevention Communication Association that depicted foreigners committing crimes. As a result of widespread media attention, appeals by the Justice Ministry, and an antidiscrimination campaign waged by nongovernmental organizations, several businesses in Hokkaido lifted their bans against foreigners. In February in Hokkaido police investigated death threats made against a foreign born naturalized citizen who had sued both a bathhouse for refusing him entrance on the basis of race, and the Otaru Municipal Government for failing to take measures to stop discriminatory entrance policies; his court case was pending at year's end.

By law aliens with 5 years of continuous residence are eligible for naturalization and the simultaneous acquisition of citizenship rights, including the right to vote; however, in practice most eligible aliens choose not to apply for citizenship, in part due to fears that their cultural identity would be lost. Obstacles to naturalization include broad discretion available to adjudicating officers and great emphasis on Japanese-language ability. Naturalization procedures also required an extensive background check, including inquiries into the applicant's economic status and assimilation into Japanese society. Koreans were given the option of adopting a Japanese surname. The Government defended its naturalization procedures as necessary to ensure the smooth assimilation of foreigners into society. Alien permanent residents may live abroad for up to 4 or 5 years without losing their right to permanent residence in the country.

In 1995 the Supreme Court ruled that the Constitution does not bar permanent foreign residents from voting in local elections. However, the Court also ruled that existing laws denying voting rights to foreign residents were not unconstitutional. In 2000 the Supreme Court upheld Nagoya and Osaka High Court decisions rejecting appeals by Korean permanent residents demanding the right to vote in local elections. The courts have consistently ruled that limiting the vote to citizens is constitutional, but that the Diet could legislate suffrage for foreign residents. Such legislation was submitted to the Diet early in the year, but it was held over for deliberation in the fall extraordinary session due to continued resistance within the ruling coalition. At year's end, strong opposition to the legislation within the Diet, particularly within the Liberal Democratic Party, remained. In March 1999, the Osaka Prefectural Assembly passed a measure granting permanent residents local suffrage, becoming the third prefecture to pass such a bill.

Under the School Education Law, students attending Chinese, Korean, or other non-Japanese-language schools are not eligible to take national university examinations. However, in August 2000, the Education Ministry announced that, beginning in 2001, graduates of non-Japanese-language schools would be eligible to take national university examinations if they pass a state-run high school equivalency test. In December the Education Ministry began studying implementation of a Cabinet report that concluded universities should admit graduates of non-Japanese-language schools without the high school equivalency test. A number of local governments provide subsidies to Korean schools; the central Government does not subsidize any non-Japanese-language schools.

In 2000 a revised law to end the practice of fingerprinting permanent foreign residents went into effect. Instead of fingerprinting, the Government established a family registry system that uses the resident's picture and signature and contains information on parents and spouses living in the country, a system similar to that used for citizens. All foreign residents still are required to carry alien registration certificates at all times, but the revised law reduces the penalties imposed on those found without documentation. However, in April the Osaka High Court confirmed the legality of the former fingerprinting procedure and overturned a 1998 lower court ruling that had ordered three prefectures to pay damages to six foreign residents who had been tried for violations of the Alien Registration Law in the 1980s for refusing to be fingerprinted.

In 1996 the Home Affairs Ministry reversed the long-held national policy of opposition to localities lifting the Japanese nationality requirement for public servants. However, the Ministry instructed local governments to restrict noncitizens' access to jobs that involved the exercise of public authority and formation of public opinion. The directive also required local governments clearly to state which jobs were closed to noncitizens. Some of the jobs considered off limits include tax collection, construction permit issuance, sanitation inspection, and firefighting.

Several local governments already have changed their rules in response to the Government's position. In 1999 the Hakodate municipal government began to allow foreign residents to take employment tests for all city jobs except firefighters. According to a 1997 joint survey conducted by the All Japan Prefectural and Municipal Workers Union and the Korean Residents Association in Japan, 19.8 percent of local governments still forbid hiring noncitizens.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right of workers to associate freely in unions. Approximately 11.5 million workers, 21.5 percent of all employees, belong to labor unions. Unions are free of government control and influence. Although most unions are involved in political activity as well as labor relations, they are not controlled by political parties. There are no restrictions requiring a single trade union structure, nor are there restrictions on who may be a union official. The Japanese Trade Union Confederation, which represents 7.2 million workers and was formed in 1989 through the merger of several confederations, is the largest labor organization. The right to strike, implicit in the Constitution, is exercised. During 1999 87,000 workdays involving 26,000 employees were lost to strikes. The law prohibits retribution against strikers and is enforced effectively.

However, some public employees, including members of the armed forces, police, and firefighters are not permitted to form unions or to strike. These restrictions have led to a long-running dispute with the International Labor Organization's (ILO) Committee on the Application of Conventions and Recommendations over the observance of ILO Convention 98 concerning the right to organize and bargain collectively. The Committee has observed that these public employees have a limited capacity to participate in the process of determining their wages and has asked the Government to consider measures it could take to encourage negotiations with public employees.

Unions are free also to affiliate internationally and are active in international bodies, most notably the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively

The Constitution provides unions with the right to organize, bargain, and act collectively. These rights are exercised freely, and collective bargaining is practiced widely. The annual "Spring Wage Offensive," in which individual unions in each industry conduct negotiations simultaneously with their firms, involves nationwide participation. Management usually consults closely with its enterprise union. However, trade unions are independent of management and aggressively pursue the interests of their workers. The law prohibits antiunion discrimination, and adequate mechanisms exist for resolving cases that occur, including the reinstatement with back wages of any workers fired for union activities. However, the collective bargaining rights of public employees were limited. The Government determines the pay of government employees based on a recommendation by the independent National Personnel Authority.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution provides that no person shall be held in bondage of any kind. Involuntary servitude, except as punishment for crime, is prohibited. Although children were not specified in the provision, this legal prohibition against forced or compulsory labor applies equally to adults and to children. Although in general forced or bonded labor does not occur, women were trafficked to the country for the purpose of prostitution (see Section 6.f.).

Former Allied prisoners of war and Chinese and Korean workers continued to press claims for damages and compensation for forced labor during World War II in Japanese civil courts, U.S. courts, and in complaints to the ILO. In July and August, the Tokyo and Kyoto District Courts ordered the Government to pay damages in two separate cases. In the first, compensation was ordered to be paid to the family of a Chinese man who died in hiding after escaping from a coal mine where he had been forced to work during World War II. In the second case, compensation was ordered to be paid to 15 survivors of a 1945 explosion that had killed 524 Koreans brought to the country as forced laborers. Both lower courts ruled that the Government had failed to ensure a safe return home for the laborers but rejected further compensation for their forced labor. The Government was appealing both rulings at year's end. In April the Supreme Court rejected two separate lawsuits filed by individuals seeking disability pensions for injuries sustained while forced to serve with the Imperial army. In 2000 the Diet passed a law offering "condolence money" for foreign nationals killed or injured while serving with the Imperial army in response to a 1998 Tokyo High Court recommendation. The Public Management Ministry began accepting applications for condolence money in April; the legislation provides for payments of \$33,333 (4 million yen) to seriously injured foreign national soldiers and \$21,667 (2.6 million yen) to the survivors of those foreign nationals killed in service. However, seriously injured Japanese veterans are eligible for \$632,761 (80 million yen) and a lifetime pension. An ILO committee has called on the Government to take

additional measures to satisfy individual Chinese and Korean victims of forced labor during the war.

The Asian Women's Fund continued to support former comfort women, who were forced to provide sexual services to Japanese troops during World War II (see Section 5).

d. Status of Child Labor Practices and Minimum Age for Employment

The Constitution bans the exploitation of children. Both societal values and the rigorous enforcement of the Labor Standards Law protect children from exploitation in the workplace. By law children under the age of 15 may not be employed, and those under age 18 may not be employed in dangerous or harmful jobs. The Labor Inspection Division of the Ministry of Labor, which vigorously enforces the Labor Standards Law, reported 16 violations in 2000.

The Government prohibited forced or bonded labor, including that performed by children, and enforced this prohibition effectively (see Section 6.c.).

e. Acceptable Conditions of Work

Minimum wages are set on a regional (prefectural) and industry basis, with the input of tripartite (workers, employers, public interest) advisory councils. Employers covered by a minimum wage must post the concerned minimum wages, and compliance with minimum wages is considered widespread. Minimum wage rates, effective during the year, ranged from \$18 (2,231 yen) per hour in Tokyo to \$11 (1,358 yen) in Aomori prefecture and are considered sufficient to provide a worker and family with a decent standard of living. The Labor Standards Law provides for a 40-hour workweek for most industries and mandates premium pay for hours worked over 40 in a week, or 8 in a day. However, labor unions frequently criticized the Government for failing to enforce maximum working hour regulations in smaller firms.

The Ministry of Labor effectively administered various laws and regulations governing occupational health and safety, principal among which is the Industrial Safety and Health Law. Standards were set by the Ministry of Labor and issued after consultation with the Standing Committee on Safety and Health of the Central Labor Standards Council. Labor inspectors have the authority to suspend unsafe operations immediately, and the law provides that workers may voice concerns over occupational safety and remove themselves from unsafe working conditions without jeopardizing their continued employment.

The Immigration Bureau of the Justice Ministry estimated that, as of January 1, there were 252,000 foreign nationals residing illegally in the country. Illegal immigrants come primarily from South Korea, the Philippines, China, Thailand, and Malaysia. In February the Justice Ministry announced plans to construct a new immigration detention facility in Tokyo and to increase legal immigration numbers by 1,100 over a 5-year period as part of an effort to decrease the numbers of illegal foreign residents.

While many foreign illegal residents entered the country in search of better paying manufacturing and construction jobs, these opportunities decreased during the economic slowdown. Thus more foreign workers were unemployed or marginally employed. Activist groups claim that employers exploited or discriminated against foreign workers, who often have little or no knowledge of the Japanese language or their legal rights. In August nongovernmental organizations held a forum on migrant labor that was attended by 1,000 activists. The forum was held to draw attention to exploitative practices, including unsafe working conditions and unpaid overtime, that foreign workers are exposed to while working on "trainee" visas under the Foreign Technical Trainee and Technical Internship Programs. The Government has tried to reduce the inflow of illegal foreign workers by prosecuting employers. Revisions of the Immigration Law provide for penalties against employers of undocumented foreign workers. Suspected foreign workers also may be denied entry for passport, visa, and entry application irregularities. In addition the 1999 revision to the immigration law established penalties for illegal stays separate from existing injunctions against illegal entry. The Government continued to study the foreign worker issue, and several citizens' groups were working with illegal foreign workers to improve their access to information on worker rights.

f. Trafficking in Persons

The Constitution prohibits holding persons in bondage, and the Penal Code contains several provisions that could be used to combat trafficking of persons; however, there are no specific laws that prohibit trafficking in persons, and trafficking of women and girls into the country was a problem. Women and girls, primarily from Thailand, the Philippines, and the former Soviet Union, were trafficked into the country for sexual exploitation and forced labor. Women and girls from Colombia, Brazil, Mexico, South Korea, Malaysia, Burma, and Indonesia also were trafficked into the country in smaller numbers. Japan also was a destination for illegal

immigrants from China who were trafficked by organized crime groups who often hold such persons in debt bondage for sexual exploitation and indentured servitude in sweatshops and restaurants. In recent years, the Government has reported that some smugglers use killings and abduction to ensure payment.

There is evidence that trafficking takes place within the country to the extent that some recruited women subsequently were forced, through the sale of their "contracts," to work for other employers.

Reliable statistics on the number of women trafficked to the country were unavailable. In 2000 the National Police Agency identified 104 women as potential trafficking victims during criminal investigations involving entertainment businesses. However, the Government does not consider an individual who has willingly entered into an agreement to work illegally in the country to be a trafficking victim, regardless of that person's working conditions once in the country. Thus, government figures may understate the problem as persons who agreed to one kind of work find themselves doing another, or are subject to force, fraud, or coercion. Traffickers were prosecuted for crimes ranging from violations of employment law to Penal Code offenses such as abduction, and the Government does not compile statistics on the number of trafficking victims associated with these cases. Since trafficked women generally are deported under immigration law as prostitutes, immigration statistics may provide only a rough picture of the scale of the problem. A government-funded study released in August 2000 found that nearly two-thirds of foreign women surveyed following arrests for immigration offenses stated that they were working in the sex industry under duress. Ministry of Justice statistics indicated that 1.5 percent of the 24,661 women deported in 1999, the latest figures available, were deported as prostitutes (others who worked in the sex industry were deported for other reasons). Many women who are trafficked into the country, particularly from the Philippines, also enter legally on entertainment visas. An estimated 40,000 women from the Philippines enter the country each year on such visas. "Entertainers" are not covered by the Labor Standards Law, and have no minimum wage protections; however, there are indications that they may be somewhat less vulnerable to abuse by employers than female migrant workers entering on other types of visas or illegally.

Brokers in the countries of origin recruit women and "sell" them to Japanese intermediaries, who in turn subject them to debt bondage and coercion. Agents, brokers, and employers involved in trafficking for sexual exploitation often have ties to organized crime.

Women trafficked to the country generally are employed as prostitutes under coercive conditions in businesses that are licensed to provide commercial sex services. Sex entertainment businesses are classified as "store form" businesses such as strip clubs, sex shops, hostess bars, and private video rooms, and as "nonstore form" businesses such as escort services and mail order video services which arrange for sexual services to be conducted elsewhere. According to NGO's and other credible sources, most women who were trafficked to the country for the purpose of sexual exploitation were employed as hostesses in "snack" bars, where they were required to provide sexual services off premises.

For example, many Thai women were enticed to come to the country with offers of lucrative legitimate employment, only to be sexually exploited; many others reportedly know that they will work as prostitutes. However, whether or not they understand the nature of the work they will be doing, trafficked women generally do not understand the debts they will be forced to repay, the amount of time it will take them to repay the debts, or the conditions of employment they will be subjected to upon arrival. According to Human Rights Watch, the passports of Thai women trafficked to work in "dating" bars usually were confiscated by their "employers," who also demand repayment for the cost of their "purchase." Typically, the women were charged \$25,000 to \$40,000 (3 million to 5 million yen); their living expenses and expenses for medical care (when provided by the employer) and other necessities, as well as "fines" for misbehavior, were added on to the original "debt" over time. How the debt was calculated was left to the employers; the process was not transparent, and the employers reportedly often used the debt to coerce additional unpaid labor from the trafficked women. Employers also may "resell" or threaten to resell troublesome women or women found to be HIV positive, thereby increasing the debt they must repay and possibly worsening their working conditions. In order to repay the debts they incur, trafficked women generally must work long hours (often with no days off) for several months, essentially without pay. Many women were not allowed to refuse clients, even those known to be physically abusive. Most Thai women trafficked into the sex trade have their movements strictly controlled by their employers while working off their debt, and were threatened with reprisals, perhaps through members of organized crime groups, to themselves, or their families if they try to escape. Employers often isolated the women, subjected them to constant surveillance, and used violence to punish them for disobedience. Most trafficked women also knew that they were subject to arrest if found without their passports or other identification documents. In any case, few spoke Japanese well, making escape even more difficult.

In 1999 the Diet amended the Law on Control and Improvement of Amusement Businesses in order to supplement the Prostitution Prevention Act as an instrument against trafficking. The amended law sanctions employers rather than just sanctioning victims and requires the Government to refuse to grant or to revoke the business license of anyone convicted of the "crime of encouragement" to engage in prostitution. In 1999 the

Diet also enacted a law intended to prevent all forms of sexual exploitation of children, whether trafficked or not, which imposes a 1- to 3-year sentence on anyone convicted of trading in children for the purpose of child prostitution or child pornography (see Section 5). Traffickers can also be prosecuted for violations of employment, immigration, or labor laws, and for Penal Code offenses such as abduction and kidnaping. However, relatively few persons ever are prosecuted in connection with trafficking and forced sexual servitude; those who were prosecuted generally are prosecuted in connection with violations of immigration law. There were allegations that some law enforcement units have been reluctant to investigate reports of trafficking and that the Government has not been aggressive in arresting and prosecuting suspected traffickers.

Domestic NGO's and lawyers have compiled credible anecdotal evidence that suggested that some individual police officials have returned trafficking victims to their employers when these individuals sought police protection. NGO's also reported that police sometimes declined to investigate suspected brokers when presented with information obtained from trafficking victims. In a 1991 incident widely reported in the press, a government investigation found that two local police officials from Mie prefecture had returned the trafficking victims to their employers after having taken bribes from organized criminal groups that were associated with the traffickers. The two officials were forced to resign their positions, but were not prosecuted.

Except for the Tokyo Metropolitan Government, which funds a Tokyo-based NGO assisting victims of trafficking, the Government does not assist victims of trafficking for sexual purposes other than to house them temporarily in facilities established under the Antiprostitution Law, in detention centers for illegal immigrants, or through referrals to shelters run by NGO's; generally they are deported as illegal aliens. Victims often are treated as criminals because the Government does not consider persons who willingly enter for illegal work to be trafficking victims. Women without documentation or sufficient funds to return to their country of origin may be detained for long periods. Several NGO's throughout the country provided shelter, medical and legal assistance to trafficking victims. The Government funded trafficking prevention efforts in Asian source countries, sponsored public information campaigns targeted at potential victims, and provided equipment and training to police and customs officials in those countries.